

EXECUTIVE OFFICER AND CLERK OF COURTS

MEDIA PLAN

FOR

SUPERIOR COURT HIGH PROFILE CASES



THE SUPERIOR COURT OF THE

STATE OF CALIFORNIA

COUNTY OF KINGS

*The conditions and procedures
specified in this Media packet are
subject to modification by the Court at
any time before, during, and after the hearing.*

[Effective March 1996]

[Revised July 2005]

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**MEDIA COVERAGE
PREPARED BY
THE EXECUTIVE OFFICER AND CLERK OF COURTS**

This packet contains guidelines and policies for the media to follow when admitted to a courtroom for coverage.

The goal of this informational material is to:

1. Ensure an appropriate atmosphere prevails in the Courthouse so all litigants may obtain a fair trial.
2. Ensure that the public and media are accommodated to the best of the Court's abilities during the course of the trial.

Members of the media who plan to attend this hearing or who have special questions regarding arrangements should contact:

Todd H. Barton, Executive Officer and Clerk of Courts
Jeff Lewis, Chief Director of Administration and Operations
The Superior Court of the State of California, County of Kings
Executive Office..... (559) 582-1010, extension 5002

**EXECUTIVE OFFICER AND CLERK OF COURTS
SUPERIOR COURT OF THE STATE OF CALIFORNIA
MEDIA LIAISON PROGRAM**

The Executive Officer established the Media Liaison Program in 1996. The purpose of the program is to provide a point of contact for the media when access questions and issues arise. The objective of our program is to eliminate any confusion or misunderstandings that the media might face. The Executive Officer believes there is a need for consistent policies and uniform application of those policies throughout the Court system. The primary Media Liaison for the Court is the Executive Officer, and secondary, is the Chief Director of Administration and Operations. They will be available to update case hearing information and to address questions presented by the media.

**COURTHOUSE MEDIA PROCEDURES
THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA, COUNTY OF KINGS**

1. All media personnel must conform to California Rules of Court, Rule Number 980, and provide the Executive Officer with a copy of the **"Order on Media Request to Permit Coverage"**, and a copy of the **"Hold Harmless and Indemnity Agreement"**, not less than 24 hours prior to the Court hearing.
2. Media Identification Badges must be presented and worn at all times when entering the Courthouse and courtroom. The badges are to identify the reporter/cameraman's name and organization/newspaper or television/radio station.
3. Media interviews will only be conducted on the outside of all Courthouse locations. Please do not block entrances and exits. Please do not conduct interviews in our lobbies.
4. If permitted by the sitting Judicial Officer, only one television pool camera, and all still cameras will exist in the designated media interview areas in the Courtroom. **Please note:** The sitting Judicial Officer will rule on California Rules of Court, Number 980. (Copy of Rule 980, included in this packet) Cell phone cameras and recording devices are prohibited in the courtroom and may be confiscated by the Court.
5. Recording devices shall only be used in the designated media areas and not in any lobby or entranceway.
6. Cameras and equipment will be allowed on outside walkway areas as designated by the Executive Officer or the Sheriff's Department.
7. All wires and cables shall be secured or covered. If a pool camera is approved, electrical cables may be routed into the courtroom, but must be secured to prevent hazards to the public. If the cables constitute a hazard, you will be asked to remove them.
8. Media personnel will have access to the Courthouse at approximately 8:30 a.m. on the day of the preliminary examination. Media personnel must vacate during lunch and as ordered by the sitting Judicial Officer and directed by the Kings County Sheriff or Executive Officer.
9. Members of the media must conduct themselves in a manner which does not impede or interfere with court proceedings. Any violation will constitute good cause for exclusion from the Courthouse for the duration of the hearing.

DATED: March 28, 1996
Revised: November 8, 2001
Revised: July 1, 2005

COVERAGE POLICIES

Parking

High profile cases will require that media equipment vehicles park in the areas designated by the Executive Officer, Kings County Sheriffs Office, and the local Police Department. Vehicles illegally parked on the sidewalks adjacent to the Court and/or blocking emergency thoroughfares will be cited and towed.

Interview Areas

Media interviews in connection with a case will not be conducted in the Courthouse. Television and still cameras for interviews will be a pool arrangement. If the Judicial Officer approves cameras in the courtroom, one television camera will pool for the media. The Judicial Officer presiding over the matter, or if designated, the Executive Officer, will decide which organization will be authorized to have the "pool camera". The Court will impose no restrictions on interviews outside the Courthouse, except as it may pertain to any Judicial Order Barring Communication.

Television Pool Coverage

One television organization will provide courtroom pool coverage for all broadcast media, unless special format circumstances/issues exist. The designated television pool camera for the courtroom will be determined on a "first request" basis. The media is requested to contact the Executive Officer not less than 24 hours prior to the court procedure for pool camera assignments.

Each network station will agree on a pool rotation, otherwise, the Executive Officer will designate which station will provide a pool camera.

Still camera photographers, if allowed, will be positioned in designated seats in the courtroom or as required by the Judicial Officer or Executive Officer. Camera flash equipment is not allowed.

If the submitted "Order on Media Request to Permit Coverage" is approved, cameras, recording devices, or other electronic equipment may be turned on or used as directed by the Judicial Officer. All electronic equipment must be turned off during breaks, recesses, and off-the-record sessions. According to the California Rules of Court, Rule Number 980, (Copy of Rule 980, 2005 California Rules of Court included in this packet) each still photographer may use a maximum of two cameras and four lenses. Media personnel who are unable to comply with these requirements or other provision of Court Rule Number 980 may not participate in the pool coverage. Please note: The "Hold Harmless and Indemnity Agreement" must be submitted with the "Order on Media Request to Permit Coverage" form.

Each photographer and the pool camera operator must submit an "Order on Media Request to Permit Coverage" form for each Court session **not less than 24 hours prior to the proceeding**. Requests submitted the day of the hearing will not be approved.

Jurors

The media will not be allowed to take photographs of jurors nor interview them during the course of the trial.

Courtroom Seating

During high profile cases, the media will have assigned seating. Those seating arrangements will be addressed during a Court orientation for the media immediately prior to the hearing.

The Court understands the needs of the media and will try to be as accommodating as possible, considering the demands on courtroom space. Consideration must also be given to the victim's families, the defendant's relatives, law enforcement, court officials, and the public.

Sheriff's deputies will screen media members at the entrance of the courtroom. For identification purposes, members of the media must wear identification badges at all times in the courtroom.

If a member of the media arrives after the court hearing has begun, they will not be allowed to bring a pool camera into the courtroom until a Court recess, and only if space is available.

Members of the media who do not have assigned courtroom seating may not occupy public seats unless approved by a court official. Any member of the media who tries to obtain a public seat will be barred from the courtroom for the duration of the hearing.

Courtroom Procedure

Members of the media may not conduct interviews in the courtroom and may not approach the well of the courtroom to speak to counsel. Violators of this rule will be removed from the courtroom and subject to being barred from returning to the courtroom. **Members of the media or public who leave the courtroom while Court is in session will not be allowed to return to the courtroom.**

The courtroom will be cleared after each morning and afternoon session. It will not be cleared during morning and afternoon breaks. This policy is subject to change, however, depending on adherence to courtroom rules and as directed by the Kings County Sheriff. Reporters who wish to use a small personal tape recorder for note-taking purposes must first have judicial approval under Rule Number 980. Rule 980 requests must be submitted prior to each day of proceeding. (Copy of Rule 980, 2005 California Rules of Court included in this packet) Reporters may not utilize live feed from inside the courtroom.

WARNING: Reporters will not be allowed to use a cell phone or an integrated cell phone/camera to transmit live or still photographs and/or voice reportings. Anyone violating this policy will be removed from the courtroom and the phone device will be confiscated by the Sheriff's Department.

Court Documents

Members of the media may obtain copies of court documents at a set fee per page. A duplicated case file may be available to review at the Executive Office.

**2005 ANNUAL
HOLD HARMLESS AND INDEMNITY AGREEMENT**

Name of Media Organization _____

Address _____

Telephone Number _____

Names of Reporter(s) and Camerapersons _____

Name of Assignment Editor _____

Court Building or Facility _____

Address _____

Telephone Number _____

The above described media organization requests to bring equipment, cable, cameras and related equipment into the above described Court building or facility and surrounding property for the purpose of covering a news event.

In consideration of permission to do so, said news media organization agrees to abide by lawful orders and directions of the sitting Judicial Officer of the Court located in said facility, and to indemnify and hold harmless the Superior Court and the Executive Office, and all of their officers, agents and employees with regard to any claims brought or actions filed against the Superior Court and/or the Executive Office, or any of their officers, agents and employees, whether such claims or actions be rightfully or wrongfully brought, relating to the acts, omissions, alleged negligence, and/or intentional acts of said media organization or any of its officers, agents or employees with regard to the bringing of or use of cable, cameras and related equipment into the above described Court building or Facility or surrounding property, or the use of the facility in connection with the said news event. Said media organization further agrees to bear all costs of equipping and using the above described Court building or facility, and for any damages sustained to the above described Court building or facility and surrounding property by any of its officers, agents or employees. The person whose signature is set forth below certifies and guarantees that he or she has the authority to enter this agreement on behalf of said media organization.

Date _____

Signature of News Editor or Station Manager

**2006 ANNUAL
HOLD HARMLESS AND INDEMNITY AGREEMENT**

Name of Media Organization _____

Address _____

Telephone Number _____

Names of Reporter(s) and Camerapersons _____

Name of Assignment Editor _____

Court Building or Facility _____

Address _____

Telephone Number _____

The above described media organization requests to bring equipment, cable, cameras and related equipment into the above described Court building or facility and surrounding property for the purpose of covering a news event.

In consideration of permission to do so, said news media organization agrees to abide by lawful orders and directions of the sitting Judicial Officer of the Court located in said facility, and to indemnify and hold harmless the Superior Court and the Executive Office, and all of their officers, agents and employees with regard to any claims brought or actions filed against the Superior Court and/or the Executive Office, or any of their officers, agents and employees, whether such claims or actions be rightfully or wrongfully brought, relating to the acts, omissions, alleged negligence, and/or intentional acts of said media organization or any of its officers, agents or employees with regard to the bringing of or use of cable, cameras and related equipment into the above described Court building or Facility or surrounding property, or the use of the facility in connection with the said news event. Said media organization further agrees to bear all costs of equipping and using the above described Court building or facility, and for any damages sustained to the above described Court building or facility and surrounding property by any of its officers, agents or employees. The person whose signature is set forth below certifies and guarantees that he or she has the authority to enter this agreement on behalf of said media organization.

Date _____

Signature of News Editor or Station Manager



2005-2006 California Rules of Court

Rule 980. Photographing, recording, and broadcasting in court

(a) [Introduction] The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

(Subd (a) adopted effective January 1, 1997.)

(b) [Definitions] For purposes of this rule,

(1) "Media coverage" means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment;

(2) "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency;

(3) "Court" means the courtroom at issue, the courthouse, and its entrances and exits;

(4) "Judge" means the judicial officer or officers assigned to or presiding at the proceeding, except as provided in subdivision (e)(1) if no judge has been assigned.

(Subd (b) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (a).)

(c) [Photographing, recording, and broadcasting prohibited] Except as provided in this rule, court proceedings shall not be photographed, recorded, or broadcast. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications and is not intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.

(Subd (c) adopted effective January 1, 1997.)

(d) [Personal recording devices] The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device shall obtain permission from the judge in advance. The recordings shall not be used for any purpose other than as personal notes.

(Subd (d) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (c).)

(e) **[Media coverage]** Media coverage shall be permitted only on written order of the judge as provided in this subdivision. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

(1) (*Request for order*) The media may request an order on a form approved by the Judicial Council. The form shall be filed at least five court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on a form approved by the Judicial Council shall be filed with the request. The judge assigned to the proceeding shall rule upon the request. If no judge has been assigned, the request shall be submitted to the judge supervising the calendar department, and thereafter be ruled upon by the judge assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed.

(2) (*Hearing*) The judge may hold a hearing on the request or rule on the request without a hearing.

(3) (*Factors to be considered by the judge*) In ruling on the request, the judge shall consider the following factors:

- (i) Importance of maintaining public trust and confidence in the judicial system;
- (ii) Importance of promoting public access to the judicial system;
- (iii) Parties' support of or opposition to the request;
- (iv) Nature of the case;
- (v) Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
- (vi) Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
- (vii) Effect on the parties' ability to select a fair and unbiased jury;
- (viii) Effect on any ongoing law enforcement activity in the case;
- (ix) Effect on any unresolved identification issues;
- (x) Effect on any subsequent proceedings in the case;
- (xi) Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;
- (xii) Effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
- (xiii) Scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
- (xiv) Difficulty of jury selection if a mistrial is declared;
- (xv) Security and dignity of the court;
- (xvi) Undue administrative or financial burden to the court or participants;

- (xvii) Interference with neighboring courtrooms;
- (xviii) Maintaining orderly conduct of the proceeding;
- (xix) Any other factor the judge deems relevant.

(4) (*Order permitting media coverage*) The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency shall be responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

(5) (*Modified order*) The order permitting media coverage may be modified or terminated on the judge's own motion or upon application to the judge without the necessity of a prior hearing or written findings. Notice of the application and any modification or termination ordered pursuant to the application shall be given to the parties and each media agency permitted by the previous order to cover the proceeding.

(6) (*Prohibited coverage*) The judge shall not permit media coverage of the following:

- (i) Proceedings held in chambers;
- (ii) Proceedings closed to the public;
- (iii) Jury selection;
- (iv) Jurors or spectators; and
- (v) Conferences between an attorney and a client, witness, or aide, between attorneys, or between counsel and the judge at the bench.

(7) (*Equipment and personnel*) The judge may require media agencies to demonstrate that proposed personnel and equipment comply with this rule. The judge may specify the placement of media personnel and equipment to permit reasonable media coverage without disruption of the proceedings.

Unless the judge in his or her discretion orders otherwise, the following rules shall apply:

- (i) One television camera and one still photographer shall be permitted.
- (ii) The equipment used shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible.
- (iii) An order permitting or requiring modification of existing sound or lighting systems is deemed to require that the modifications be installed, maintained, and removed without public expense or disruption of proceedings. Microphones and wiring shall be unobtrusively located in places approved by the judge and shall be operated by one person.

(iv) Operators shall not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.

(v) Equipment or clothing shall not bear the insignia or marking of a media agency.

(8) (*Media pooling*) If two or more media agencies of the same type request media coverage of a proceeding, they shall file a statement of agreed arrangements. If they are unable to agree, the judge may deny media coverage by that type of media agency.

(Subd (e) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (b).)

(f) [Sanctions] Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

(Subd (f) amended and relettered effective January 1, 1997; adopted effective July 1, 1984, as subd (e).)

Rule 980 amended effective January 1, 1997; adopted effective July 1, 1984.

Former Rule

Former rule 980, similar to the present rule, was adopted effective January 1, 1966, amended effective January 1, 1977, and January 1, 1983, and repealed effective July 1, 1984.

Drafter's Notes

1984-The Judicial Council made permanent its previously experimental rule permitting radio, television, and photographic coverage of court proceedings. The action replaces rules 980, 980.1, 980.2, and 980.3 with a new rule 980 permitting courtroom photography and recording subject to the consent of the judge and any restrictions the court may impose to protect the rights of the litigants, preserve the dignity of the court, and prevent disruption of the proceedings. Certain restrictions on coverage are made to protect confidential communications and jurors.

A request for coverage must be made a reasonable time before the proceeding. The request must be on a new Judicial Council form which also contains a proposed order. Copies of the form will be available from court clerks.

1996-This rule has been amended, *effective January 1, 1997*, to prohibit camera coverage of jury selection, jurors, or spectators in the courtroom. In other areas, including all pretrial hearings in criminal cases, judicial discretion is retained.